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PATENT TRADEMARK OFFICE

Patent
Case No.: 48317US028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	JAPUNTICH, DANIEL A.	
Application No.:	09/680,465	Group Art Unit: 3743
Filed:	October 3, 2000	Examiner: Aaron J. Lewis
Title:	FIBROUS FILTRATION FACE MASK HAVING A NEW UNIDIRECTIONAL FLUID VALVE	

Noted
4/19/04
a.l.

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this Reply Brief in response to the Examiner's Answer mailed December 16, 2003. Applicants respectfully dissent from a number of positions taken by the Examiner. Each of the Examiner's positions is reproduced below in quotes, followed by applicants' rebuttal argument.

1. Examiner's Answer at page 13, 5th Paragraph

"Applicant's arguments filed 02/07/2003 have been fully considered but they are not persuasive. Applicants' argument that McKim constitutes nonanalogous art because it has been held that a prior art reference must either be in the field of applicants endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned in order to be relied upon as a basis for rejection of the claimed invention. ... In this case, this is submitted that one of ordinary skill would look to the art of valves (which includes McKim ('618)) to address problems associated with the effectiveness of valve seating of a valve element which is used for controlling the direction of flow of breathable air through such a valve. McKim clearly addresses the problem of effectiveness of valve seating by non-aligning the valve flap retaining surface and the seal surface relative to each other thereby providing effective seating without float or bounce after each opening (col. 1, lines 64-72)."